

## COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **TRANSGENIC PLANTS THAT ARE RESISTANT TO A BROAD SPECTRUM OF PATHOGENS**, the specification of which

- ☐ is attached hereto.
- ☐ was filed on \_\_\_\_\_ as United States Application No. \_\_\_\_\_.
- ☐ was filed on \_\_\_\_\_ as International Application No. \_\_\_\_\_.
- ☐ with amendments through \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application(s)

Priority  
Claimed

| (Number) | (Country) | (Day/Month/Year Filed) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|----------|-----------|------------------------|------------------------------|-----------------------------|
|----------|-----------|------------------------|------------------------------|-----------------------------|

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

|                    |               |
|--------------------|---------------|
| 60/125,072         | 17 March 1999 |
| Application Number | Filing Date   |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT

International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

(Application No.)

(Filing Date)

(Status: patented,  
Pending, abandoned)

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from \_\_\_\_\_ as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

I hereby appoint the practitioners associated with the customer number provided below to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

Customer Number


**24197**  
KSCW

| Name                  | Reg. No. | Name                    | Reg. No. |
|-----------------------|----------|-------------------------|----------|
| BUNKER, Gillian       | 47,461   | PETERSEN, David P.      | 28,106   |
| BURG, Daniel B.       | 41,649   | POLLEY, Richard J.      | 28,107   |
| CALDWELL, Lisa M.     | 41,653   | RINEHART, Kyle B.       | 47,027   |
| GIRARD, Michael P.    | 38,467   | RUPERT, Wayne W.        | 34,420   |
| HAENDLER, Jeffrey B.  | 43,652   | RYBAK, Sheree L.        | 47,913   |
| HARDING, Tanya M.     | 42,630   | SCOTTI, Robert F.       | 39,830   |
| JAKUBEK, Joseph T.    | 34,190   | SIEGEL, Susan Alpert    | 43,121   |
| JONCUS, Stephen J.    | 44,809   | SLATER, Stacey C.       | 36,011   |
| JONES, Michael D.     | 41,879   | STEPHENS Jr., Donald L. | 34,022   |
| KLARQUIST, Kenneth S. | 16,445   | STUART, John W.         | 24,540   |
| KLITZKE II, Ramon A.  | 30,188   | VANDENBERG, John D.     | 31,312   |
| LEIGH, James S.       | 20,434   | WHINSTON, Arthur L.     | 19,155   |
| MAURER, Gregory L.    | 43,781   | WIGHT, Stephen A.       | 37,759   |
| NOONAN, William D.    | 30,878   | WINN, Garth A.          | 33,220   |
| ORR, David E.         | 44,988   |                         |          |

Address all telephone calls to Sheree Lynn Rybak, Ph.D. at telephone number (503) 226-7391.

Address all correspondence to:

Customer Number


**24197**  
KSCW

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|                                      |   |                            |
|--------------------------------------|---|----------------------------|
| Full Name of Sole or First Inventor: | Santosh Misra   |                            |
| Inventor's Signature                 | <u>Santosh Misra</u>                                    | <u>Sept. 12/01</u><br>Date |
| Residence:                           | Victoria, British Columbia, Canada                      |                            |
| Citizenship:                         | Canada  |                            |
| Post Office Address:                 | 1790 Barrie Road<br>Victoria, B.C.<br>V8N 2W7<br>CANADA |                            |

|                               |  |                           |
|-------------------------------|--|---------------------------|
| Full Name of Second Inventor: | William W. Kay   |                           |
| Inventor's Signature          | <u>William W. Kay</u>  | <u>Sept 12/01</u><br>Date |
| Residence:                    | Victoria, British Columbia, Canada                           |                           |
| Citizenship:                  | Canada   |                           |
| Post Office Address:          | 3620 Cadboro Bay Road<br>Victoria, B.C.<br>V8R 5K8<br>CANADA |                           |